

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) JUDGE CARTER
) Mag. No. 1:12-mj-54
NOE MARTINEZ II)
ALBERTO TOP TINA)
SOTERO PAREDES RUIZ)

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on February 21, 2012. Those present included:

- (1) AUSA Perry Piper for the United States of America.
- (2) The defendant, NOE MARTINEZ II.
- (3) Attorney Myrlene Marsa for defendant Martinez.
- (4) The defendant, ALBERTO TOP TINA.
- (5) Attorney Aubrey Harper for defendant Tina.
- (6) The defendant, SOTERO PAREDES RUIZ.
- (7) Attorney John Cavett for defendant Ruiz.
- (8) ICE Agent Clint Cantrell.
- (9) Deputy Clerk Kelli Jones.
- (10) Spanish Interpreter Julia Davis.
- (11) Court Reporter Shannan Andrews.

Upon being sworn, the defendants were informed or reminded of their privilege against self-incrimination accorded them under the 5th Amendment to the United States Constitution. The defendants acknowledged having received a copy of the Criminal Complaint, and the interpreter read the charging document to each defendant.

AUSA Piper moved the court that the defendants be detained without bail.

Detention Hearing and Preliminary Hearing - Proof

AUSA Piper called Agent Clint Cantrell of the U.S. Immigration and Customs Enforcement (ICE) as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Agent Cantrell during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 18 U.S.C. § 1546, possessing and using fraudulent immigration documents, committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendants committed the aforesaid offenses.
- (3) The proof the defendants committed the aforesaid offenses is strong.
- (4) The Court assessed there are no conditions nor are there any combination of conditions which will reasonably ensure the presence of the defendants at future hearings.

Conclusions

It is ORDERED:

- (1) All defendants are held to answer the charges against them in the District Court.
- (2) AUSA Piper's motion to detain the defendants without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.
- (3) The defendants' next appearance shall be for an arraignment at **10:00 a.m. on Tuesday, March 6, 2012.**

ENTER.

S /William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE